

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID SMITH DAVE,

Plaintiff,

-against-

CITY OF POUGHKEEPSIE, et al.,

Defendants.

24-CV-3520 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

On May 2, 2024, the Clerk's Office received Plaintiff David Smith-Daye's complaint, his application to proceed *in forma pauperis* ("IFP") and his prisoner authorization. Upon receipt of these three documents, the Clerk's Office erroneously opened two separate actions. This action was opened under docket number 24-CV-3520, but the Plaintiff's name was misspelled, and the prisoner authorization was not scanned and added to the electronic docket. The second case, *Smith-Daye v. City of Poughkeepsie*, ECF 1:24-CV-3555, 1, included all of the documents on the electronic docket and Plaintiff's name was spelled correctly. Accordingly, the Court concludes that this action was opened in error and dismisses the action without prejudice to Plaintiff's litigation of the 24-CV-3555 matter.

SO ORDERED.

Dated: May 9, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge